

**MINUTES OF THE REGULAR MEETING OF THE  
LA CAÑADA FLINTRIDGE CITY COUNCIL  
HELD ON MONDAY, JULY 19, 2004  
IN THE CITY COUNCIL CHAMBERS AT 1327 FOOTHILL BLVD.  
LA CAÑADA FLINTRIDGE, CALIFORNIA**

1. Call to Order

Mayor Olhasso called the meeting to order at 7:00 p.m.

2. Roll Call

Councilmembers present were Gregory Brown, Stephen Del Guercio, David Spence, Anthony Portantino, and Laura Olhasso.

Staff members present were City Manager Alexander; City Attorney Steres; City Treasurer Voss; Director of Community Development Stanley; City Engineer Kwan; Senior Planner Buss; Planner Cantrell; Senior Management Analysts Goytia Strauss and Meyer; Management Analyst Adams; Management Aide Christensen; and City Clerk Wahlsten.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Chamber of Commerce Executive Director Pat Anderson.

4. Comments from the Public

The following persons were present wishing to speak:

Jim Short who lives on Journeys' End in Sewer Master Plan Area 3B stated he wanted to be sure everyone is aware that he has filed a lawsuit against the City, Sanitation District No. 28 and the Local Financing Authority regarding the sewerage of La Cañada Flintridge. He stated the City and the Financing Authority have been served and asked if there was anyone present from the Sanitation District to accept service. The City Attorney stated that no one here is an agent for service of process for the Sanitation District. Mr. Short stated he is opposed to Item 16 which is authorization to issue bonds for Assessment District 04-1. He stated he did not have access to the documents that were attachments to this item.

City Manager Alexander stated that he will be recommending continuance of Item 16 with no action taken at this meeting. Mayor Olhasso clarified that the documents referred to are available for Mr. Short's review.

Presentations

5. City Treasurer's Report

City Treasurer Voss presented his report and noted there was a large increase in liquidity in July due to the \$4.4 million in sewer assessment pre-payments. The par value of our portfolio is approximately \$20 million. The City's financial resources remain ample to meet anticipated requirements.

6. Public Safety Update – Fire Department

There was no one present from the Fire Department

7. Representatives from Southern California Edison regarding power outages.

Christine McLeod, Public Affairs Regional Manager, and Joe Hall, Director of Regional Planning, were present to give an update on how they're working to reduce the power outages. Ms. McLeod stated they plan to come back in September to present a comprehensive action and communication plan for the residents. She apologized for the inconvenience and frustration caused by the outages. One problem has been animals in the substation. They've installed a new power cage to keep them out of the substation. They're trying to find technology that can keep them off the poles. The more recent outages have varying causes. They're looking for a comprehensive solution and they are attempting to think "outside the box." She offered a "ride along" to the Councilmembers or staff to show the areas that are being targeted.

Mr. Hall stated they have targeted five circuits, 3 are 4KV and 2 are 16KV. They are looking at minimum ground trips or how many amps go to ground before a circuit relays which is particularly important in fire hazard areas; animal and bird protection; aging underground facilities; fault indicators which give quicker notification of faults; branch line fusing to stop the fault; automatic re-closers; lightening arrestors; and tree conditions. He explained the varied Edison departments that are involved in this project. They are doing 2005 work in 2004.

Ms. McLeod and Mr. Hall answered questions from the Council. Conditions seem to be different in some respects in La Cañada Flintridge and they may need to do things differently. They will be doing a mass mailing to residents prior to starting major work, but offered to talk to any resident and explain what they are doing. Council thanked them for being here and stated they are looking forward to a comprehensive report in September.

**Reordering of and Additions to the Agenda**

16. Authorization to Issue Bonds for Assessment District 04-1

- a. Resolution No. 04-\_\_\_ of the City Council
- b. Resolution No. 04-01 of the Local Financing Authority

City Manager Alexander noted that staff will be requesting continuance on Item 16 due to recent developments. However, the consultants are present and available to answer any questions from the Council. Council had no questions at this time. It will be on the agenda on August 2, 2004.

18. Appeal of Public Works & Traffic Commission denial of a Public right-of-way Temporary Encroachment Permit at 4210 Hampstead Road, Eric and Virginia Ford.

Motion by Mayor Pro Tem Portantino, seconded by Councilmember Spence to continue this item to September 7, 2004 as requested by the applicant. Motion carried unanimously.

### **Consent Calendar:**

Councilmember Del Guercio noted that he will be recusing himself from Item 14 because it is an agreement involving the County of Los Angeles and City of Glendale which raises a Government Code 1090 potential conflict of interest for him. Both of these agencies do business with his law firm.

Councilmember Del Guercio noted that to the extent that Item 15, approval of the 2004-05 budget, would involve any contracts with the County of Los Angeles, City of Los Angeles, MTA, City of Pasadena or City of Glendale because they do business with his law firm, he will recuse himself.

Councilmember Brown noted that Item 13, the banner permit Resolution, has an added item that was not discussed at the last meeting which is the requirement to get an encroachment permit from the County of Los Angeles. City Manager Alexander stated this codifies current practice. The city requires an encroachment permit because the truck that hangs the banners moves down Foothill and blocks the public right-of-way while they are working.

Mayor Pro Tem Portantino stated he will recuse himself from Item 12, Resolution confirming action taken July 6, denying Floor Area Review 03-19, since he was absent from that meeting.

Mayor Pro Tem Portantino stated that he will recuse himself from any item in the 2004-05 budget relating to Memorial Park, since the park is across the street from his house.

Mayor Pro Tem Portantino, noted that he was absent during the second half of the meeting on June 21, 2004, he would recuse himself from approval of that half of the minutes.

Mayor Olhasso stated she will recuse herself from any item in the 2004-05 budget referring to the Jessen Avenue bridge, since it is near her home.

City Attorney Steres stated the last paragraph is missing from Item 12 and he read the paragraph into the record, "Now, therefore, be it resolved that the City Council denies Floor Area Review 03-19 at 4619 Indiana Avenue."

Motion by Councilmember Brown, seconded by Councilmember Spence, to approve the Consent Calendar as presented with the recusals as noted by the Councilmembers.

8. Approval of Minutes of the City Council:  
June 21, 2004 Regular Meeting
9. Approval of Warrant Resolution No. 04-13
10. Acceptance of Report of City's Investment for period ending June 30, 2004.
11. Receive and file Commission Agendas:  
Planning Commission Action agenda for meeting of July 13, 2004  
Investment & Financing Advisory Comm. agenda for meeting of July 15, 2004  
Design Commission Action Agenda for meeting of July 15, 2004  
Parks & Recreation Commission agenda for meeting of July 16, 2004  
Public Works & Traffic Commission agenda for meeting of July 21, 2004
12. Resolution No. 04-35, entitled, "A Resolution of the City Council of the City of La Cañada Flintridge Denying the Applicant's Appeal of a Planning Commission Denial Action and Thereby Denying Floor Area Review 03-19 for an Addition to the Second Floor at 4617 Indiana Avenue as requested by Steve and Hye Sook Choe." (Confirming action taken July 6, 2004).
13. Resolution No. 04-36, entitled, "Resolution of the City Council of the City of La Cañada Flintridge Establishing a Policy and Procedure for Installation of Signs, Banners, Advertisements and Related Appurtenances on Southern California Edison Street Light Poles," and repealing Resolution No. 03-36 (incorporating changes made July 6, 2004)
14. Authorization for City Manager to execute 3-year Renewal of the paratransit Dial-A-Ride Agreement with the City of Glendale and County of Los Angeles
15. Approval of Fiscal Year 2004-05 Annual Budget and Financial Plan
  - a. Resolution No. 04-37, entitled, "A Resolution of the City Council of the City of La Cañada Flintridge Adopting the Annual Budget and Financial Plan for Fiscal Year 2004-05."
  - b. Resolution No. 04-38, entitled, "A Resolution of the City Council of the City of La Cañada Flintridge Adopting the Appropriation Limit for Fiscal Year 2004-05 at \$12,641,580."

Motion carried unanimously. Council commended staff for the work on the budget.

## Public Hearings

17. Hillside Development Permit 01-36 (Amendment), Floor Area Review 02-21 (Amendment), appeal filed by Robert & Gayla Gazmarian, 1874 Palm Terrace Court, of Planning Commission's denial. (Continued from May 3, 2004, Item 17)

Staff report by Director of Community Development Stanley. He reviewed the history of the project. The original 7-lot tract was approved in 1999 and the lot purchased by the Gazmarians was designated a hillside lot which meant that the development was subject to further review by the Planning Commission. There was no clear discussion in the 1999 minutes regarding how the drainage was to be treated within the tract. A 5,200 square foot limit was placed on the house and garage that could be built on this lot.

A house was approved by the Planning Commission in November, 2002. At that time, there was some discussion around the landscape plan that was part of that approval, and it identified the majority of the area to remain in a natural state. Since that time, the applicant wished to modify the landscape plan and the Planning Commission approved removing one of the eucalyptus trees on the east side of the house with the replacement by a significant size tree. The Planning Commission also approved staff's recommendation and finding of substantial conformance for the addition of a basement since it was below grade and did not change the height of the house.

The Gazmarians also applied for an amendment to allow a pool house and the filling in of a portion of a seasonal drainage course that crosses their property. The Planning Commission denied that amendment request in January, 2004. They believed that the tract map approval required that the drainage be left in its natural state and that the 5,200 square foot limit applied to the pool house, as well. They questioned the privately maintained storm drain system that was being proposed by the applicant. The applicant appealed the Planning Commission's decision to the City Council. The City Council held a public hearing on May 3, 2004.

At the May 3, 2004 hearing, staff showed how the drainage course upstream had already been modified significantly and was no longer in a natural stream coming down through the area. Even in the tract, they were allowed to place the stream into a drainage pipe system. The City Council expressed concerns about the safety of that open drainage outlet. Staff has determined the construction site is fenced so the nuisance is being taken care of temporarily. Also at the May 3, 2004 meeting, Elroy Kiepke, engineer with Willdan, stated that the drainage system proposed meets City standards.

The City Council continued the May 3, 2004 hearing and suggested some redesign. Director Stanley showed drawings with proposed changes. They've reduced the pad elevation at the back of the lot by about two feet which reduced the amount of fill. The lawn area is narrowed and away from the oak tree. The mouth of the outlet is pulled back 15 feet from the property line. The retaining wall is now a crib wall with waffle block that can be planted in and is farther from the rear property line. There is a common fence and drainage facilities on their east property line. The pool house deck and pad has been

lowered by two feet and the rear yard setback has been increased by three feet. Staff is recommending upholding the applicant's appeal and approving the project with the conditions recommended by staff.

Council asked several questions about the height of the retaining wall; the effect of reducing the elevation of the whole yard by two or three feet; the total proposed lawn and deck area, sound barriers around the pool equipment, potential for ponding on the adjacent property, and off-site grading.

Mayor Olhasso opened the public hearing.

Speaking in favor of the project:

John Pride, P.O. Box 56, La Cañada Flintridge, landscape designer for the project, reviewed changes to the plan. He explained that the overall height of the retaining wall remains at 10-1/2 to 11 feet because of the proximity to the pool house. If the finished wall height is lowered two feet at the east side, it creates a steeper slope at the corner of the pool house. It can be cut to 8-1/2 to 9 feet moving towards the west end by grading between sections of the wall. He explained the intention of making the walls and drainage outlet "disappear" by planting, stepping back, and cobblestone at the base of the culvert.

Bob Gazmarian, homeowner, stated they tried to control the impact on their neighbors as much as possible by making changes on site. He stated they had met with the neighbors on June 1<sup>st</sup> and agreed with all their objections except where the drainage outlet exited on their property. The intent is to slow the velocity and screen the outlet so it is a green wall.

Roger Dobkowicz, 4629 Hillard, stated that this double size lot was sold for the same price as a single lot so it should have been clear that there were restrictions on development. After the house was approved, the trees were cut down. He asked the City Council to not approve the plan but send it back to the Planning Commission to find out what restrictions have been violated. Or, at the very least, approve a compromise that would leave the back 76 feet or 10% of the property natural with no retaining wall. It would reduce the negative impact on his property, including eliminating the erosion which would be caused by the stream flow to his and the Jones' property.

Mike Lhaman, 4610 Palm Drive, lives on the west side of the Gazmarian property. They had a productive meeting on June 1<sup>st</sup> with the neighbors, the Gazmarians and the Gazmarians design team, however he thought Mr. Gazmarian would revise the plan and show the neighbors before this hearing. He read from the Hillside Development Ordinance regarding grading (11.35.042(A)(2), drainage (11.35.042(C)(1) and (2), and siting (11.35.043(C)(1) and noted how this project does not conform with that Ordinance.

Ralph Martin, stated he lives on a portion of the east side of the Gazmarian property. On June 1<sup>st</sup>, he met with Mr. Gazmarian and the designers and thought they

would be able to review the changes with Mr. Gazmarian before it was reviewed at this meeting. At the May 3, 2004 City Council meeting, the Mayor asked questions about storm drain design standards, and the answers given were in conflict with the standards. He cited examples and stated the design is for a 25 year flood. He stated that to date there has been no scouring effects on the Dobkowicz or Jones property from the natural watercourse and that should be maintained.

Janet Hamilton, 4616 Palm Drive, abuts the front third of the Gazmarian property. She is concerned about the drainage from her property and wants her drainage accommodated from any project that is done.

Brice Call, builder for the Gazmarians, stated he was part of MDI, the original subdivider of the property. He stated the hydrology study is for a 50 year flood, not 25 year.

Mayor Olhasso closed the public hearing.

Mayor Olhasso asked City Engineer Kwan asked if the drainage pipe was designed for a 25 or 50 year storm. He responded the calculations were for a 50 year event with a 30 inch pipe.

Councilmember Brown stated he feels that the compromise was made on this lot when the subdivision was approved and this lot was created as a double lot for the purpose of preserving this swale. He read from the Resolution of Approval. This proposal does not preserve a single foot of the swale. He noted he was on the Planning Commission when the house was approved for the lot and it can be built without decimating the open space. The proposal would create a 9,000 to 10,000 square foot lawn with a wall on the south end of the lot. Since the pool house requires the wall height, it could be moved. He feels the design is not consistent with the Hillside Ordinance and needs to go back through the Planning Commission. There are very minor changes from what was presented at the prior hearing. The neighbors have indicated a willingness to work with the Gazmarians.

Mayor Pro Tem Portantino stated this project needs the two sides working together. Both sides have said they would work together. The pool and pool house should have been presented to the Planning Commission along with the house so they had all the design factors to review. You can't look at a lot in sections. This should be looked at "in toto" by the Planning Commission.

Councilmember Spence stated the Council should not be attempting to put together a plan at a Council meeting. It should go back to the neighborhood, the applicant, and the Planning Commission. He expressed a fear that the drainage swale will not look as nice left open as it would enclosed, however he would prefer that the applicant and the neighbors work it out.

Councilmember Del Guercio stated he had been hopeful that with the direction given at the May 3, 2004 City Council meeting, a compromise plan would emerge. That didn't

happen. He was on the Planning Commission when the house was approved and there was a lot of discussion regarding the drainage swale. That discussion didn't say, "Don't ever touch anything in that area," but rather "try to have a development plan that accommodates the natural area." This is a hillside lot and we don't allow just importing a lot of dirt in order to make a flat lot and develop right up to the property line. There are still crib walls proposed in the setback. This is not the most efficient venue to resolve the issues and he would like to see the parties continue to work and go back through the Planning Commission and find a solution that is consistent with the Hillside Ordinance.

Mayor Olhasso stated her guiding philosophy is within reasonable standards to allow people to do things with their property that can accommodate the needs of their family. She had hoped that the continuance would allow time to work towards a reasonable solution, but we're not there. She was on the Planning Commission when the Tract Map was approved and signed the Resolution Councilmember Brown read from. They did intend the swale to be left in a natural state and the Hillside Ordinance prohibits this development. She is ready to deny the appeal and uphold the Planning Commission's decision.

When asked, Dr. Gazmarian stated the house should be finished in February and he wanted the landscape plan to be done concurrently so they can get their occupancy permit. He is willing to meet with the neighbors if the solution is as simple as the length of the pipe.

Mayor Pro Tem Portantino asked if upholding the Planning Commission's decision resets the clock and requires the Gazmarians to submit a new plan. Director of Community Development Stanley stated Dr. Gazmarian still needs an approved landscape plan to obtain occupancy of the house, because their plan originally just showed a native restoration area and did not identify any specific plantings in there. Everything has been removed at this point.

Dr. Gazmarian pointed out that they are adding 67 trees and shrubs to the property.

Councilmember Brown stated the cleanest process will be to deny the appeal and start over. City Attorney Steres stated the motion should be to deny without prejudice so that the Gazmarians can reapply as soon as possible. Or they can get approval at staff level of a landscape plan that is in conformance with the plan on the original house approval and proceed with their occupancy. If they wish to submit an amendment it would go to the Planning Commission.

Motion by Councilmember Brown to deny the appeal and uphold the Planning Commission's decision without prejudice. Motion seconded by Mayor Pro Tem Portantino. For the record, Mayor Pro Tem Portantino stated he cannot make the finding that the project will maximize the potential for sensitive use and preservation of open space, and the finding that it is compatible with the neighborhood. Councilmember Brown stated it also does not meet the requirements of the Hillside Ordinance as stated by the speaker. Mayor Olhasso also stated it does not meet the original conditions of



approval of the tract map. The Resolution confirming this action will be presented at the next meeting. Motion carried unanimously.

#### Other Business

20. Comment on USDA Forest Service Plan Update (referred from June 21, 2004, Item 7)

Motion by Mayor Pro Tem Portantino, seconded by Councilmember Del Guercio to adopt Resolution No. 04-39, entitled "A Resolution of the City Council of the City of La Cañada Flintridge Recommending Adoption of Alternative No. 6 of the Land Management Plan for the Angeles National Forest."

Councilmember Brown pointed out that this is providing input to an EIR process and it is not necessary to go for all of one or the other alternatives. He suggested the Resolution be made stronger to address our concerns by requesting a traffic study on Angeles Crest Highway to show the traffic impacts of the various alternatives. He also wants to minimize off-road vehicles in whichever alternative is chosen. It should be stated that we wish to maximize wilderness area, but also maintain the current accessibility for fire suppression apparatus.

Liz Blackwelder, 4443 Commonwealth, spoke in favor of Alternative 6.

Mayor Pro Tem Portantino amended his motion to revise the Resolution to include Councilmember Brown's points. Councilmember Del Guercio concurred. Motion carried unanimously. Council directed staff to send a copy of the Resolution to Congressman Dreier and Supervisor Antonovich.

#### Ordinances

19. Ordinance No. 350– First reading and reintroduction- Adding Chapter 6.40 to the La Cañada Flintridge Municipal Code to Regulate Massage Establishments (amended since continued from June 8, 2004, Item 15.)

Staff report by City Attorney Steres. The City Council was concerned about the impact the passage of an ordinance regulating massage establishments would have on local sports clubs, specifically the YMCA. The fee resolution will be presented on August 2, 2004 along with the second reading of the Ordinance.

Senior Management Analyst Meyer reviewed the changes. He stated he has worked with Larry Hall of the YMCA and the County Sheriff's Department in making the changes. The revised Ordinance contains a provision to enable massage technicians currently operating in the City to obtain a permit absent a certification from the National Certification Board for Therapeutic Massage and Bodywork.

Motion by Councilmember Del Guercio, seconded by Councilmember Spence to direct the City Attorney to read the title of Ordinance No. 350, waive further reading and introduce. City Attorney Steres read the title of Ordinance No. 350, "Ordinance of the City Council of the City of La Cañada Flintridge adding Chapter 6.40 to the La Cañada Flintridge Municipal Code Regulating Massage Establishments." Motion carried unanimously on a roll call vote.

### Concluding Business

#### 21. Councilmembers' Reports regarding regional and local representation

Councilmember Spence stated he represented the Contract Cities before the Board of Supervisors recommending the one-half cent sales tax be placed on the ballot.

Councilmember Spence stated he had an orientation meeting with the Executive Committee of the San Gabriel Valley Council of Governments regarding the members of the Gold Line Construction Authority. They will be meeting with the Pasadena City Council.

Mayor Pro Tem Portantino stated he met with the White House Office of Intergovernmental Affairs in Washington last week. They have offered to help in navigating the funding of the Indiana overcrossing through the Federal Highway Administration.

Mayor Pro Tem Portantino stated he met with Congressman Dreier's staff and talked about soundwalls. (Amended 9-20-04)

Councilmember Del Guercio stated he had attended the Chamber of Commerce's Board meeting last week and in reviewing the City's 2004-05 budget, the Chamber offered to assist in beautifying the parking lot across the street.

Mayor Olhasso stated the Joint Use Committee is currently on the last item of the original five year plan, a year ahead of schedule, and has formed a subcommittee to put together the next five year capital improvement plan. Councilmember Brown has agreed to serve on that subcommittee.

#### 22. Councilmembers' request for future agenda items

None.

#### 23. Councilmembers' comments

Mayor Olhasso observed that the "Music in the Park" programs are drawing large crowds which is great.

Mayor Olhasso stated the Arroyo Verdugo's annual social event will be here in La Cañada Flintridge on October 21, hopefully at Lanterman House.

Mayor Olhasso announced she has established a Blue Ribbon Committee to help with a "One Book, One City" program. A book will be selected and the entire community will be encouraged to read it. The members include: Kay Linden, member of Mayor Olhasso's book club who had the idea; Chris Erskine, columnist with the LA Times; Lindsay Bozzani, LCHS Librarian; Sue Reyner, Librarian at the La Cañada Flintridge branch of the County Library; Jon Moldafsky, Parks & Recreation Commissioner and member of a book club; and Carol Cormaci, editor of the La Cañada Valley Sun. The event will be this fall and more details will be forthcoming

24. City Manager and/or staff comments

None.

#### Adjournment

Mayor Olhasso adjourned the meeting at 10:03 p.m.

---

Marjorie K. Wahlsten, CMC, City Clerk

Minutes approved by the City Council on September 20, 2004